IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE MR JUSTICE L.NARASIMHA REDDY**

**WRIT PETITION NO : 22399 of 2004**

Between:

Smt.P. Kumari W/o.Venkateswarlu
F.P. Shop dealer of 9th Ward, Chimakurthy Village

Chimakurthy Mandal, Prakasam District.

**..... PETITIONER**

AND

1 The Joint Collector Civil Supplies, Prakasam District.
2 The Revenue Divisional Officer Ongole, Prakasam District.
3 The Mandal Revenue Officer Chimakurthi Village and Mandal, Prakasam District.

**.....RESPONDENT(S)**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of Mandamus or any other appropriate writ, order or direction directing the Respondents to continue the petitioner as F.P.Shop Dealer of Chimakurthy Village, Chimakurthy Mandal, Prakasam District by declaring the order passed by the 2nd respondent herein in proceedings Rc.C/1446/2004, dated 14.10.2004 as arbitrary, illegal, violation of Principles of natural justice and unconstitutional and pass such other order or orders.

**Counsel for the Petitioner:MR.T.NIRANJAN REDDY**

**Counsel for the Respondents: GP FOR CIVIL SUPPLIES**

**The Court, at the stage of admission, made the following :**

**ORDER:**

The petitioner is a fair price shop dealer. Her authorization is suspended by the 2nd respondent through order, dated 14.10.2004. Petitioner claims to have preferred an appeal before the 1st respondent, together with an application for grant of stay. It is stated that the arguments on stay petition were concluded, way back on 08.11.2004, and so far no orders have been pronounced. The petitioner seeks appropriate directions in this regard.

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

Petitioner had availed the remedy of appeal before the 1st respondent, aggrieved by the order of suspension. She also filed an application for grant of stay. It is stated that the arguments were concluded way back on 08.11.2004. More than one month has elapsed. If no orders are passed as of now, it can certainly be said that the very purpose of applying for stay and hearing it, is defeated, at least in part. Unless applications for stay are disposed of in either way, at the earliest, the very purpose of filing them would be defeated.

A perusal of the order of suspension discloses that it is not said to be pending enquiry, and it was not preceded by any show cause notice. A reading of Clause 5 (4) of the A.P. State Public Distribution System Control Order, 2001, discloses that any suspension, if it is not by way of a measure pending enquiry, has to be preceded by a show cause notice.

In that view of the matter, the order, dated 14.10.2004 passed by the 2nd respondent against the petitioner shall stand stayed, pending disposal of the appeal by the 1st

respondent, and she shall be entitled to distribute the essential commodities during that period.

The writ petition is accordingly disposed of. There shall be no order as to costs.

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**L.NARASIMHA REDDY, J**

Dated : 09th December, 2004

Note: Office to furnish copy

in three days.

(B/o.)

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To

1 The Joint Collector Civil Supplies, Prakasam District.
2 The Revenue Divisional Officer Ongole, Prakasam District.
3 The Mandal Revenue Officer Chimakurthi Village and Mandal, Prakasam District.

4 2CCs to the Government Pleader for Civil Supplies, High

Court Buildings, Hyderabad. (O.U.T)

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